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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/23/2001

Parag Gokhale

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PATENT-SEA

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EXAMINER

CHEN, TE Y

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/991,900	<b>Applicant(s)</b> GOKHALE ET AL.	
	<b>Examiner</b> SUSAN Y. CHEN	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including a submission, was filed in this application on June 27, 2008, after appeal to the Board of Patent Appeals and Interferences. Therefore, the appeal has been withdrawn pursuant to 37 CFR 1.114.

Claims 1-20 are pending for examination.

***Specification***

The amended specification as filed on 06/27/2008 has been noted by the Office and kept on record.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouse et al. (U.S. Patent No. 5,764,972) in view of SitKa (U.S. Patent No. 6,330,572).

As to claim 12, Crouse et al. [hereinafter referred as Crouse] disclosed a system [Abstract, Fig. 2] for processing file input/output commands of one or more removable media from a storage device [e.g., see Fig. 9 and associated texts], the system comprising:

a) a user interface [e.g., the network file interface (34) running on user node (10), Fig. 2 ] for receiving input/output identification data including the data to identify one or more media [e.g., the media type, volume serial Name, location and access attributes at col. 14, line 47 – Col. 16, line 5 ] from the storage device for removing [e.g., col. 16, lines 50 – col. 17, line 12; col. 19, Removable Media Module processing section; the unload media processing (492, Fig. 16e)].

b) a data file stored in a memory device for storing the export identification data [e.g., the Removable Media Reserved File 194, Fig. 9; col. 19, lines 37-51] ;

c) a task control subsystem [e.g. the AFS Control Program (40), Fig. 2] for retrieving [e.g. via the Scan module 192, Fig. 9] the export identification data from the data file and controlling the library to cause the export of the selected media [e.g., Fig. 9 and associate texts specifically col. 20, lines 14-39].

Crouse did not specifically disclose the file input/output commands including a scheduling of an exporting processing.

However, Sitka disclosed a data storage system to automatically scheduling an import and export I/O commands for removable devices [e.g., Title, Abstract, the DSM system 10, Fig. 1 and associated texts, col. 9, lines 5 – 56; col. 10, lines 1 - 40].

Crouse and Sitka are in the common field to process file input/output operations via a common interface, therefore, with the teachings of Crouse and Sitka in front of him/her, an ordinary skilled person in the art at the time the invention was made would have been motivated to modify Crouse's user interface with the import and export commands as disclosed by Sitka, because by doing so, the combined system will facilitate a system user to schedule the import or export operation with ease.

As to claims 13-14, except all the above, the combined system further disclosed that the user interface is configured to allow a user to specify one or more media to be exported by one or more respective media identifiers/criteria [e.g., Crouse: col. 15, lines 3-49] and store the specified media identifier/criteria [e.g., Crouse: col. 19, lines 37-51].

As to claim 15, except all the above, the combined system further disclosed that the task control subsystem comprises an evaluator [e.g., Crouse: the AR module 184, Fig. 9] to evaluate the stored criteria to determine which one or more media in the library satisfy the specified one or more criteria [Crouse: col. 22, lines 8-27].

As to claim 16, except all the above, the combined system further disclosed that system having an export history data file which containing a field associated with each media indicating the status of the export of the media [e.g. Crouse: the Archive Status field of the table between col. 21- col. 22],

As to claim 17, the combined system further disclosed that the user interface is configured to allow a user to specify a specific event following which the media is to be exported [e.g., if the system user specifies the life span for a remote file, once the life span is exhausted, the file is eligible for termination when the media space is needed [e.g., Crouse: Fig. 14d, col. 22, lines 55-64].

As to claims 1-11 and 18-20, these claims recited similar features as cited in claims 12-17, in form of method or computer readable medium, hence are rejected for the same reason.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hsiao et al. (U.S. Patent No. 6,266,784) which disclosed a direct storage of recovery plan on remote server for disaster recovery and storage management thereof.

***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Y Chen/  
Partial Sig. Examiner  
Art Unit 2161

August 14, 2008